

The motion is denied for the reasons stated in my order of June 3, 2020. See ECF No. 157. Defendant has not shown any fact or law that should cause me to change my order. His now appearing pro se does not constitute cause. The Clerk shall terminate the motion. So ordered.

/s/ Alvin K. Hellerstein

November 23, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ali Kourani,

Defendant.

Case No. 17-cr-417 (AKH)

- - - - -

Motion To Amend Protective Order And
For Other Appropriate Relief

Previously, on June 3, 2020, the Court denied Defendant's Motion To Amend the Protective Order in this case. The circumstances have changed and the intervening circumstances have obviated or limited any potential prejudice to the protected party.

First, the Defendant, after losing his direct appeal on July 27, 2021, is proceeding pro se. The Defendant needs the info at issue urgently, especially to attack his sentence by way of a 28 USC § 2255 Motion. The Court could order the AUSA to place the requested info on a CD/Flash Drive.

Second, the Defendant is now imprisoned in a Communications Management Unit - USP Marion, AKA Guantanamo of the North, as for its very controlled communication measures and high security procedures.

The Due Process Clauses of the Fifth and Fourteenth Amendments do provide criminal defendants with the right to certain evidence within the government's possession. In particular, the court held in Brady v. Maryland "the suppression by the prosecution of evidence favorable to an accused ... violates due process where the evidence is material either to guilt or to punishment irrespective of the good faith or bad faith of the prosecution." The Court rounded this due process principle on avoidance of an unfair trial to the accused.

As for example, the government redaction of some of the 3500 material constitute a Brady violation. ~~As is the violation of the government~~ redaction of the whole file of Record 46923 from Disk 302A - (Tr. 693). This issue should be attacked in a 2255 Motion, since the Defendant didn't see the actual original unredacted file that was allegedly found on his laptop, downloaded from a public website.

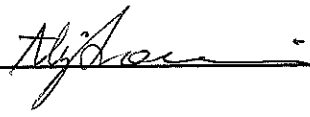
Also, the Defendant asked for the unredaction of the names of the government witnesses, especially the ones that were interviewed in July/August 2013 because they can expose the government's real cause to initiate this investigation. The government said during trial that the probable cause for the investigation was the NYPD traffic stop, while the discovery shows that Defendant was on 24/7 surveillance, phone taps, and witnesses were questioned about him months before

that traffic stop. The probable cause should be attacked in the 2255 Motion.

The Defendant has the right to face his accusers according to the Sixth Amendment, and this should be also attacked in the 2255 Motion, since his previous attorney failed to follow up on that matter. The Defendant specifically asked for the witness interrogated by S.A. Kerry, Costello and Batista, starting in July 2013, to be unredacted.

For these reasons, Defendant requests that this Court GRANT this Second Motion To Amend the Protective Order and CIPA in this case, and give regular access to it by the Defendant. Also, the Defendant asks to see his discovery protected by CIPA. The Defendant requests that the government unredact all files and names of witnesses. The Defendant asks the Court to ORDER the government to send the Defendant all 3500 Jencks material and CIPA discovery on a CD Drive or any accessible way.

Respectfully submitted,



Ali Kourani
USP-Marion
P.O. Box 1000
Marion, IL 62959

Dated: *November, 10, 2021*

Certificate Of Service

I hereby certify that this Motion To Amend Protective Order And For Other Appropriate Relief was mailed to the Clerk of the Court, 1st Class Postage prepaid, this 15th day of November, 2021.

Ali Kourani



Ale Kourgan (794655)
USP - Marion
P.O. Box 1000
Marion, IL 62959

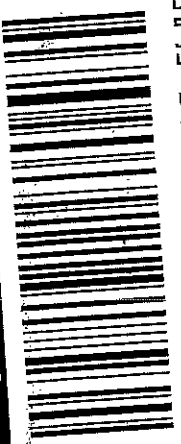
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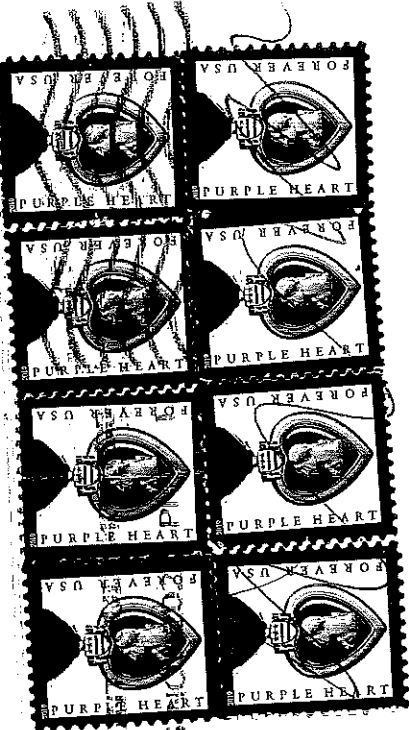
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Chief of The Court
United States Courthouse
500 Pearl Street
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